

## Exhibit 8

*State of California ex. rel. Ven-A-Care of the Florida Keys, Inc. v.  
Abbott Laboratories, Inc., et al.*

Exhibit to the Declaration of Steven U. Ross in Support of  
Plaintiffs' Opposition to Sandoz, Inc.'s Motion for Summary Judgment

Hartmann, R.Ph., Ronald H. - 30(b) (6)

May 6, 2009

New York, New York

Page 1

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

MDL NO. 1456

Master File No. 01-12257-PBS

Subcategory Case No. 06-11337

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In re: PHARMACEUTICAL INDUSTRY

AVERAGE WHOLESALE PRICE LITIGATION

-----x  
THIS DOCUMENT RELATED TO:

State of California, ex rel. Ven-A-Care v.

Abbott Laboratories Inc. et al.

Case No. 03-cv-11226-PBS

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(Cross Notices Appear on Following Pages)

VIDEOTAPED TELECONFERENCE 30(B) (6) DEPOSITION OF:

RONALD H. HARTMANN, R.Ph.

Wednesday, May 6, 2009

New York, New York

Reported in stenotype by: RICH GERMOSEN,

CCR, CRCR, RPR, CRR, CLR

Hartmann, R.Ph., Ronald H. - 30(b) (6)

May 6, 2009

New York, New York

Page 330

1 would be.

2 Q. Right, but if you went to the CMS  
3 website, for example, or if you used the National  
4 Pharmaceutical Council's publication and you  
5 looked up the reimbursement formula used by  
6 California, it would show you AWP minus some  
7 percent, isn't that correct?

8 A. That is correct. That's a formula  
9 California would choose to use.

10 Q. Correct. Okay.

11 Do you know when you first became  
12 aware of that, that California used an AWP minus  
13 some percentage formula?

14 A. I'm not sure exactly what year,  
15 but it almost seems like the majority of states  
16 do use an AWP minus formula --

17 Q. Okay.

18 A. -- among other tools that they  
19 choose to use.

20 Q. Right. Okay.

21 So would it be a fair statement to  
22 say that probably for at least the majority of

Hartmann, R.Ph., Ronald H. - 30(b)(6)

May 6, 2009

New York, New York

Page 331

<sup>1</sup> that period of time, that is 1994 through 2004,  
<sup>2</sup> you were aware that California used that AWP  
<sup>3</sup> minus formula to reimburse pharmacies under its  
<sup>4</sup> Medicaid system?

A. Among other --

MR. CARBERRY: Objection as to

A. Among other tools they, they, in fact, could have used the AWP minus formula, yes.

Q. Okay.

But I'm just talking about that period of time.

A. Okay.

Q. Your knowledge during that period of time. Is that an accurate statement, that during that period of time you were aware of what California used to reimburse pharmacies under the Medicaid system?

A. Right. They used that as one of their tools that I don't believe exclusively they used AWP minus formula. They used other tools to, for instance, like Federal Upper Limits

Hartmann, R.Ph., Ronald H. - 30(b) (6)

May 6, 2009

New York, New York

Page 332

1 and --

2 Q. Okay.

3 A. -- and federal -- state MACs and  
4 usual and customary.

5 Q. Okay.

6 Now, isn't it true that most  
7 states that used an AWP as at least a basis for  
8 reimbursement obtained that AWP price from First  
9 DataBase?

10 MR. CARBERRY: Objection as to  
11 form.

12 A. It's my understanding that First  
13 DataBase was one of the main sources of that  
14 information.

15 Q. Okay.

16 And, in fact, California or its  
17 agents obtained their AWPs or the AWPs that  
18 California used for its reimbursement from First  
19 DataBase?

20 MR. CARBERRY: Objection as to  
21 form.

22 Q. Are you aware of that?

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Hartmann, R.Ph., Ronald H. - 30(b) (6)

May 6, 2009

New York, New York

Page 370

1 Q. Well, what if an F-U-L was  
2 eliminated on a particular Sandoz product,  
3 product, do you believe that the sales and  
4 marketing department would have been interested  
5 in that as well?

6 A. They very well possibly could have  
7 been.

8 Q. Are you aware, Mr. Hartmann --  
9 Strike that.

10 Let me direct your attention or  
11 redirect your attention for a little while to  
12 GPhA.

13 A. Okay.

14 Q. Okay.

15 I know you've given a substantial  
16 amount of testimony about it. I'm going to try  
17 not to repeat any of the questions that  
18 Mr. Riklin asked you earlier.

19 I know you testified that GPhA has  
20 a Board of Directors which you've never been on,  
21 but somebody from Sandoz has always sat on,  
22 correct?

Hartmann, R.Ph., Ronald H. - 30(b) (6)

May 6, 2009

New York, New York

Page 371

1 A. I believe that is correct, yes.

2 Q. Okay.

3 Does GPhA have or has it ever had  
4 an executive committee?

5 A. I believe they do, yes.

6 Q. Is that a part of the Board of  
7 Directors?

8 A. I believe it is.

9 Q. Okay.

10 Have you ever been on that  
11 committee?

12 A. No.

13 Q. Has anyone from Sandoz ever been  
14 on that committee?

15 A. Yes, I believe our CEO  
16 traditionally is a member of the, of the  
17 executive committee.

18 Q. Okay.

19 Has the CEO of Sandoz, whoever  
20 that person is or was, been on that executive  
21 committee since the inception of GPhA?

22 A. I don't know for sure. I assume

Hartmann, R.Ph., Ronald H. - 30(b) (6)

May 6, 2009

New York, New York

Page 372

1 that may be correct, but I don't know for sure.

2 Q. Okay.

3 A. There's been some periods of time  
4 where we hadn't had a CEO and that type of thing  
5 so perhaps.

6 Q. Okay.

7 Now, you're familiar with GPhA's  
8 Medicaid task force, correct?

9 A. Yes.

10 Q. Okay.

11 In fact, you were a member of that  
12 task force, correct?

13 A. That is correct.

14 Q. Okay.

15 Is the Medicaid task force still  
16 in existence?

17 A. I don't believe it is or if it is  
18 we don't meet very often.

19 Q. Well, okay. When was the last  
20 time you recall the GPhA Medicaid task force  
21 meeting?

22 A. I don't know if we -- we may have

Hartmann, R.Ph., Ronald H. - 30(b) (6)

May 6, 2009

New York, New York

Page 398

1                   And then she goes on to say: On  
2 the contrary, AMP represents only a snapshot in  
3 time, then in parens it says, as discussed more  
4 fully below, of a complex set of sales records.  
5 In fact, given the spectrum of variables  
6 impacting AMP, there will be a different AMP for  
7 the same sale depending on the timing of the AMP  
8 calculation.

9                   You understood what Ms. Jaeger was  
10 saying there, correct, Mr. Hartmann?

11                  A.       That is correct.

12                  Q.       Okay.

13                  Then if you look with me to the  
14 next page you see the heading limitations on the  
15 usefulness of AMP?

16                  A.       Correct.

17                  Q.       And the sentence right below that  
18 says AMP is mistakenly perceived as an indicator  
19 of market prices, however, it bears little  
20 relevance to market price.

21                  You understood, Mr. Hartmann, what  
22 Ms. Jaeger was stating when you read this letter?

Hartmann, R.Ph., Ronald H. - 30(b) (6)

May 6, 2009

New York, New York

Page 399

1 You understood what she was stating in that, in  
2 those sentences when you read this letter?

3 A. Right. Potentially there can be  
4 problems with AMP and what is actually paid in  
5 the marketplace.

6 Q. Okay.

7 And Sandoz had no disagreement  
8 with the positions or the statements made by  
9 Ms. Jaeger in those sentences, correct?

10 A. That is correct. I don't recall  
11 any specific.

12 Q. Okay.

13 And I'm sorry you needed to read  
14 this entire letter, but that's all the questions  
15 I have on this document.

16 A. Okay.

17 MR. DOUGLAS: Are you going to be a  
18 minute? We need to substitute an exhibit in.

19 Go ahead. Never mind. We can  
20 wait.

21 MR. ROSS: Okay.

22 MR. DOUGLAS: You were sorting